

Below is the Order of the Court.



A handwritten signature in black ink that reads "Brian D. Lynch".

Brian D. Lynch
U.S. Bankruptcy Judge
(Dated as of Entered on Docket date above)

Form oreafn (04/2010)

UNITED STATES BANKRUPTCY COURT

Western District of Washington
1717 Pacific Avenue
Suite 2100
Tacoma, WA 98402

In Re:

Jace A Curry

Debtor(s).

Case Number: 13-41723-BDL
Chapter: 7

ORDER TENTATIVELY DISAPPROVING REAFFIRMATION AGREEMENT

The Court, having reviewed the Reaffirmation Agreement between the debtor(s) and **Capital One, N.A. – Kawasaki (Dkt#15)** filed **May 24, 2013** finds:

1. Federal Rule of Bankruptcy Procedure 4008(a) requires that a reaffirmation agreement be accompanied by a Reaffirmation Agreement Cover Sheet, Official Form 27. The Reaffirmation Agreement Cover Sheet has been incorporated into the reaffirmation documents available on the court's website, <http://www.wawb.uscourts.gov>, go to Rules and Forms, Forms, Reaffirmation Documents.

☐ a. A completed Reaffirmation Agreement Cover Sheet, Official Form B27, has not been filed.

2. In accordance with Federal Rule of Bankruptcy Procedure 9009, Reaffirmation Documents in Form 240A or Form B240A/B ALT as prescribed by the Bankruptcy Code, 11 U.S.C. §524(k), must be filed for consideration of a reaffirmation agreement.

☐ a. Form B240A or Form B240 A/B ALT Reaffirmation Agreement has not been used.

☐ b. The reaffirmation documents submitted do not include:

- ☐ 1. Creditor's name and address;
- ☐ 2. Total amount of debt reaffirmed, including:
 - ☐ all fees and costs accrued as of date of disclosure statement;
- ☐ 3. Annual percentage rate (APR);
- ☐ 4. Description of collateral;
- ☐ 5. Original purchase price or original amount of loan;
- ☐ 6. Description of credit agreement;
- ☐ 7. Description of any changes to the credit agreement made as part of reaffirmation agreement;
- ☐ 8. Borrower's, and co-borrower's, if any, signature and date;
- ☐ 9. Debtor's counsel's, if any, signature and date;
- ☐ 10. Creditor's signature and date;
- ☐ 11. Debtor's statement in support of reaffirmation agreement, including:
 - ☐ monthly income;
 - ☐ monthly expenses, including payments on post-bankruptcy debt and other reaffirmation agreements;
 - ☐ explanation of how debtor can afford payments, if required (applicable only if income less expenses does not leave enough to make payments on this reaffirmation agreement);
- ☒ 12. Other deficiency: **undue hardship, but attorney has not checked the box**

2. Local Rules W.D. Wash. Bankr. 4008–1(c) requires the attachment of copies of:

- ☒ a copy of the underlying credit agreement and changes, if any, made in connection with the reaffirmation;
- ☐ statement as to the date, nature, and amount of any alleged default, and how it is to be treated under the reaffirmation agreement;
- ☐ statement showing creditor's name and address, the name, address if different, and telephone number of the creditor's representative, and that person's certification that the procedural forms filed in support of the reaffirmation do not vary in any material respect from the Procedural Forms described above;
- ☐ copies of the security agreement and evidence of perfection if a security interest is claimed (if a vehicle is at issue, copy of Vehicle Certificate of Ownership) or a statement setting forth why perfection is not required; and
- ☐ if the reaffirmation is of a purportedly nondischargeable debt, the creditor's sworn declarations or affidavits establishing a prima facie case for nondischargeability and the amount of the debt.

The checked items were not filed.

IT IS THEREFORE ORDERED:

1. The Reaffirmation Agreement is NOT APPROVED;

2. This disapproval will become final, without further order, UNLESS a complete Form B240A or Form B240A/B ALT, **signed by both creditor and debtor(s)**, with copies attached of the omitted documents, is attached to the enclosed **Request for Reconsideration of Disapproved Reaffirmation Agreement and filed WITHIN 30 DAYS**.

3. Debtor(s) may voluntarily make the payments called for in the reaffirmation agreement, **BUT CREDITOR MAY NOT ENFORCE THE AGREEMENT UNLESS AND UNTIL IT IS APPROVED BY THE COURT.**

///End of Order///

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REQUEST FOR RECONSIDERATION OF DISAPPROVED REAFFIRMATION AGREEMENT

Attached are a completed Form B240A or B240A/B ALT and/or the previously omitted documents. We request reconsideration.

Print or type Name of Creditor

Signature of Debtor (if not represented by an attorney)

Signature of Joint Debtor (if not represented by an attorney)

Date: _____

Signature of Debtor's Attorney (if any)

Date: _____